

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

ANA RODRIGUEZ GALVEZ,

Plaintiff,

v.

LISA JACKSON, KHALDUN FERREIRA, M.D.,
BRENTWOOD LEGION AMBULANCE, and
SOUTHSIDE HOSPITAL,

Defendants.

Civil Action No.
CV-17-

CV 17-5940

(_____, J.)

(_____, M.J.)

HURLEY, J.

NOTICE OF REMOVAL

SHIELDS, M.J.

TO: THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK:

PLEASE TAKE NOTICE that the above-captioned action, pending in the Supreme Court of the State of New York, County of Queens, has been removed to the United States District Court for the Eastern District of New York.

BRIDGET M. ROHDE, Acting United States Attorney for the Eastern District of New York, Sean P. Greene, Assistant United States Attorney, of counsel, respectfully states the following facts upon information and belief:

1. The above-captioned action was commenced in the Supreme Court of the State of New York, County of Queens, by plaintiff Ana Rodriguez Galvez.
2. In this action, plaintiff claims that between September 2016 and January 2017, defendants departed from the generally accepted standard of care in their provision of pre-natal care to plaintiff. As a result of defendants' alleged tortious conduct, plaintiff claims to have been damaged in an amount exceeding \$25,000, the monetary jurisdiction limit of New York's lower trial courts.
3. In accordance with 28 U.S.C. § 1446(a), a copy of plaintiff's Summons and

Verified Complaint is annexed hereto, collectively, as Exhibit A.

4. At the time of the events alleged in the Complaint, defendant Khaldun Ferreira, M.D., was an employee of Hudson River Health Care, Inc., a federally-funded health center, and was acting within the scope of his employment. The Hudson River Health Center, Inc. is deemed by the United States Department of Health and Human Services, pursuant to 42 U.S.C. § 233(g), to be eligible for coverage under the Federal Torts Claims Act, and Dr. Ferriera was acting within the course and scope of such deemed employment with the United States of America. The certification of Sean P. Greene, Assistant United States Attorney, is annexed hereto as Exhibit B.

5. Pursuant to 28 U.S.C. § 2679(d)(2), and the above referenced certification, which provides that defendant Khaldun Ferreira, M.D., was acting within the scope of his employment at the time of the events out of which the claim arose, this action is deemed to be an action brought against the United States of America and the United States of America is substituted as party defendant in place of defendant Khaldun Ferreira, M.D.

6. The United States has not been served with the Summons and Complaint in this matter.

7. Pursuant to Sections 1442(a)(1) and 2679(d)(2) of Volume 28 of the United States Code, this action may be removed to this Court. *See* 28 U.S.C. § 1442(a)(1); 2679(d)(2) (2003).

8. Under Sections 2408 and 2679(d)(2) of Volume 28 of the United States Code, the United States may remove this action without a bond. *See* 28 U.S.C. § 2408 (2003).

WHEREFORE, it is respectfully requested that the above-captioned action that is now pending in the Supreme Court for the State of New York, County of Queens, be removed to this Court; and


In accordance with 28 U.S.C. § 1446(d), the filing of a copy of this notice with the Clerk of the Court, Supreme Court of the State of New York, County of Queens, shall effect the removal and the state court shall proceed no further unless and until the case is remanded.

Dated: Brooklyn, New York
October 13, 2017

Respectfully Submitted,

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By:


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